

**EXHIBIT C**

**HOSIE FROST LARGE & MCARTHUR**  
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May 28, 2004

VIA FACSIMILE

Douglas Lewis  
Sidley Austin Brown & Wood LLP  
Bank One Plaza  
10 South Dearborn Street  
Chicago, IL 60603

Re: MDL 1332; Burst v. Microsoft Corporation

Dear Doug:

Responding to yours of yesterday, wherein you object to producing Microsoft prosecuting patent counsel for deposition:

While this may be your view, it is certainly not Microsoft's. To quote a letter I received from Microsoft counsel in another matter mere days ago:

To answer your questions of yesterday, the reason that prosecuting attorneys are routinely deposed in patent cases is that any communications that the attorney had with the PTO in prosecuting the patent are not privileged, and those may be explored. Further, some of the client/inventor's communications with the attorney also are not privileged, e.g., those communications that contain information that the client intends to be passed on to the PTO.

I am confident that Microsoft will not take the position that a deposition it characterizes as routine in one case is quite improper in another near-identical case.

**HOSIE, FROST, LARGE & MCARTHUR**

Douglas Lewis

May 28, 2004

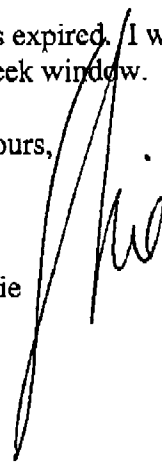
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Your five day period to designate dates has expired. I would very much appreciate you telling me today the available dates in the three week window.

Very truly yours,

Spencer Hosie

cc: Robert Yorio

A handwritten signature in black ink, appearing to read 'Spencer Hosie', is written over the typed name and extends upwards into the body of the letter.